

REMARKS

Claims 1-44, 46-51, and 53-55 are pending and have been examined. Claims 1, 2, 19-22, 31, 33-40, 46, 50, and 53-55 have been amended. Claims 18 and 32 have been canceled. Claims 45 and 52 were previously canceled. Reconsideration of Claims 1-17, 19-31, 33-44, 46-51, and 53-55 in view of the above amendments and following remarks is respectfully requested.

Drawings

Applicants note that the drawings filed December 2, 2002 have been approved.

The Rejection of Claim 2 Under 35 U.S.C. § 112, Second Paragraph

Claim 2 stands rejected under 35 U.S.C. § 112, second paragraph, because the Examiner believes that the phrase "the distribution zones are substantially free of absorbent material" is indefinite. Claim 2 has been amended to recite that "the distribution zones are substantially free of superabsorbent material." Withdrawal of this grounds for rejection is respectfully requested.

The Rejection of Claims 1, 3-15, 17-19, 22, 27, 28, 31-44,

46-51, and 53-59 Under 35 U.S.C. § 102(e)

Claims 1, 3-15, 17-19, 22, 27, 28, 31-44, 46-51, and 53-55 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,733,273, issued to Ahr. Withdrawal of this grounds for rejection is respectfully requested for the following reasons.

The claimed invention relates to an absorbent composite that includes superabsorbent present in a fibrous matrix in two or more bands. The superabsorbent material is distributed directly into the fibrous matrix by injecting the superabsorbent material into the fibrous web. See, for example, page 26, line 30 of the application as originally filed. Claims 1, 33-40, 46, 50, 53, and 55 have been amended to clarify this aspect of the invention.

The Ahr reference describes two embodiments that include superabsorbent material.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{LLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

In one embodiment, the Ahr reference describes a composite that includes absorbent strips that can contain value added particles (e.g., superabsorbent). See column 4, lines 41-44. To entrap the superabsorbent, the strips have a laminate construction, such as a tissue laminate having top and bottom tissue layers with superabsorbent particles disposed between the layers and adhesive connecting the two layers together and maintaining the superabsorbent between the layers. See column 4, lines 46-53. In contrast, the claimed invention recites that the superabsorbent material is distributed directly into the composite's fibrous matrix (i.e., without the aid of a laminate construction). The claimed invention includes bands of superabsorbent material, not "absorbent strips" as described by the Ahr reference.

In another embodiment, the Ahr reference describes a composite that includes "superabsorbent particles 422 . . . distributed in a near uniform distribution throughout the thickness of the absorbent member 410." See column 8, lines 6-22. Referring to FIGURE 4 of the reference, superabsorbent particles 422 are illustrated as distributed substantially uniformly throughout the composite's thickness. FIGURE 3 illustrates the similar distribution of superabsorbent particles 322, and FIGURE 2 illustrates an embodiment that does not include uniformly distributed superabsorbent particles. Each of FIGURES 2-4 illustrates absorbent strips 12, 312, and 412, respectively. In contrast to the uniform distribution of superabsorbent material described in these embodiments, the claimed invention includes superabsorbent material distributed directly in a fibrous matrix in two or more bands.

Because the Ahr reference fails to exactly describe the invention as claimed, the reference is not anticipatory and withdrawal of the rejection is respectfully requested.

Furthermore, the cited reference fails to teach, suggest, provide any motivation to make, or otherwise render obvious the invention as now claimed.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{LLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

The Rejection of Claims 16, 20, 21, 29, and 30 Under 35 U.S.C. § 103(a)

Claims 16, 20, 21, 29, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,733,273, issued to Ahr. Withdrawal of the rejection is respectfully requested for the following reasons.

Claims 16, 20, 21, 29, and 30 depend from Claim 1 or claims that depend from Claim 1. As noted above, the cited reference fails to teach or suggest a composite that includes superabsorbent material distributed directly in a fibrous matrix in two or more bands.

Because the Ahr reference fails to teach, suggest, provide any motivation to make, or otherwise render obvious the invention as now claimed, the claimed invention is nonobvious and patentable over the cited reference. Withdrawal of this grounds for rejection is respectfully requested.

The Rejection of Claims 23-26 Under 35 U.S.C. § 103(a)

Claims 23-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,733,273, issued to Ahr, in view of U.S. Patent No. 6,294,710, issued to Schmidt et al. Withdrawal of the rejection is respectfully requested for the following reasons.

Claims 23-26 depend from Claim 1 or claims that depend from Claim 1. The Ahr reference fails to teach or suggest a composite that includes superabsorbent material distributed directly in a fibrous matrix in two or more bands. The deficiencies of the teaching of the Ahr reference noted above are not cured by the teaching of Schmidt reference.

Because the cited references, either alone or in combination, fail to teach, suggest, provide any motivation to make, or otherwise render obvious the claimed invention, the claimed invention is nonobvious and patentable over the cited references. Withdrawal of this grounds for rejection is respectfully requested.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{LLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100



The Rejection of Claims 45 and 52 Under 35 U.S.C. § 103(a)

Claims 45 and 52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,733,273, issued to Ahr, in view of U.S. Patent No. 4,326,528, issued to Ryan et al. Claims 45 and 52 were previously canceled. Withdrawal of this grounds for rejection is respectfully requested.

Conclusion

In view of the above amendments and foregoing remarks, applicants believe that Claims 1-17, 19-31, 33-44, 46-51, and 53-55 are in condition for allowance. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone applicants' attorney at 206.695.1755.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}

RECEIVED
AUG 06 2003
TECHNOLOGY CENTER R3700

George E. Renzoni

George E. Renzoni, Ph.D.
Registration No. 37,919
Direct Dial No. 206.695.1755

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date:

July 28, 2003

George E. Renzoni

GER:ejh

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100